

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

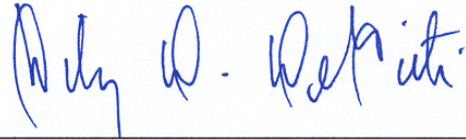
CARL DON MYERS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	NO. CIV-08-391-D
	)	
JUSTIN JONES,	)	
	)	
Respondent.	)	

ORDER AND JUDGMENT

Petitioner, a state prisoner appearing *pro se*, brought this action for a writ of habeas corpus pursuant to 28 U. S. C. § 2254. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings. On September 10, 2008, the Magistrate Judge filed a Report and Recommendation [Doc. No. 11] in which he recommended that the petition be denied.

In the Report and Recommendation, the Magistrate Judge advised Petitioner of his right to object to same and scheduled a September 30, 2008 deadline for filing objections. The Magistrate Judge also expressly cautioned the Petitioner that his failure to timely object would constitute a waiver of his right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation. To date, Petitioner has not filed an objection and has not sought an extension of time in which to do so. Inasmuch as Petitioner has failed to object, the Report and Recommendation [Doc. No.11] is adopted as though fully set forth herein. Accordingly, the petition is DENIED.

IT IS SO ORDERED this 14<sup>th</sup> day of October, 2008.

  
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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE